

**Summary of the
Implementation Committee Meeting
Second Interim Meeting
February 3, 1997**

The National Environmental Laboratory Accreditation Conference (NELAC) Implementation Committee met from 10:30 a.m. to 2:45 p.m. Eastern Standard Time (EST) on Monday, February 3, 1997. The meeting was led by Dr. Gary King, Chair, Advanced Sciences. A list of action items is given in Attachment A. A list of Committee members present is given in Attachment B.

INTRODUCTION

The purpose of the meeting was to continue to review the work of the committee since its last session at the Second NELAC Annual Meeting. The following items were discussed:

- NELAC Implementation Survey,
- Model legislation, and
- State of Florida comments on testing.

NELAC IMPLEMENTATION SURVEY

The Committee and audience noted that the initial survey letter is directed to State legislators who have limited time and are not experts in technical subjects. Consequently, it should not be too detailed but should focus on why it would be advantageous for States to adopt the NELAC national accreditation policy. The history of the NELAC program might be included but should be used as an attachment. A second problem is that in some States environmental regulations are divided among several departments so that it might be necessary to consult representatives of each department to complete the questionnaire. In addition, not all States currently regulate all aspects of environmental management covered by NELAC.

It was also suggested that two separate mailings might be useful, one to the chairs of State legislature environmental committees and the other to the heads of agencies actually in charge of the analytical laboratories. The questionnaires might be tailored to the needs and interests of the two groups. The cover letter to each group should state that the other is also receiving a questionnaire. Through this questionnaire, NELAC hopes to gain an understanding of what the States need and want in the field of environmental testing regulation.

During a review of the questions, the Committee noted that it should be made clear that Florida is being used as an example for the types of answers expected. The first questions might be used to ascertain the responders' knowledge of NELAC.

Comments on specific questions follow:

Question IIA should specify "agencies" rather than "agency," since it may be necessary to contact the multiple agencies responsible for different aspects of environmental testing.

Question IIC should specify the several types of environmental problems that might be under the jurisdiction of different State agencies, including:

- drinking water,
- waste water,
- industrial discharge,
- leaking underground storage tanks,
- solid waste,
- lead paint,
- hazardous waste,
- air,
- asbestos, and
- radiation.

The questionnaire should be aimed at helping individual States implement the NELAC standards and should ascertain how receptive each State will be to the goal of NELAC implementation.

Question IID should be expanded to include the list of environmental fields to be included in Question IIC.

Question IIE should include the authority to apply sanctions for noncompliance.

Question IIIA should address the problem of implementing the NELAC standards and determining what administrative procedures are currently active.

Question IIIB should add the limitations that exist on the adoption of regulations by reference to Federal legal code and to the automatic adoption of changes in Federal regulations.

Question IV should be made more general, and the checklist of possible legislative responses should be deleted.

The Committee considered the discussion about the questionnaire and prepared a revised draft during the lunch break. Notable changes include the following:

- Altering the introduction to suggest that adopting national standards may save the State money and improve the health of its citizens.
- Question IA will ask if the responder has heard of NELAC and whether national standards will be beneficial to his/her State.

- Question IB will be changed from "Does your state mandate ..." to "Does your state have a certification and accreditation program ..." . A third option will be added for those who are uncertain of the answer.
- The list of environmental areas will be added to Question IIA concerning delegation of authority.
- Question IIC will be changed to "Does each agency ..." .
- The authority to impose sanctions will be added to Question IIE.
- In Question IIIA, "please describe the essential features and time frames ..." will be changed to "do you have administrative authority ..." .
- Question IIIB will be modified to include the limitations on the ability to adopt rules by reference.
- Question IV will be revised to solicit opinions on the attitude of the State legislature concerning national standards, the likelihood of the provision of sufficient resources, the time frame for implementation, and the role of the private sector.

The Committee voted to adopt the draft as read. Dr. King will prepare a revised draft questionnaire and return it to the Committee by February 4.

MODEL LEGISLATION

Dr. King asked for a discussion of the model legislation being prepared for presentation to the New Mexico Legislature. The Committee and audience noted that requirements for legislation should include the authority to:

- administer agencies,
- establish the criteria for certification,
- collect fees,
- require certification,
- administer punitive sanctions, and
- authorize third-party certification.

Border States, including New Mexico, may have special problems concerning international regulations. In addition, exporting to Europe or Japan may be complicated by failure to meet the environmental regulations in those countries. The issue of reciprocity between States also needs

to be addressed. The Committee noted that a collection of legislation passed or proposed by various States would be helpful to other States in writing their own legislation.

Dr. King added that he hoped to identify at least one member of each State legislature who would be willing to introduce legislation mandating the NELAC standards.

STATE OF FLORIDA COMMENTS ON TESTING

Dr. King distributed three documents prepared by the State of Florida regarding NELAC implementation. He asked that the Committee and audience provide comments on these articles at the next meeting of this Committee.

ACTION ITEMS
Implementation Committee Meeting
February 3, 1997

Item No.	ACTION	Date Completed
1	Dr. King will revise the NELAC Implementation Survey and return it to Committee members on February 4.	
2	Dr. King will attempt to identify at least one member of each State legislature who would be willing to introduce legislation mandating NELAC standards.	
3	Dr. King asked Committee members to provide comments on the three letters drafted by Florida regarding NELAC implementation.	

LIST OF COMMITTEE PARTICIPANTS
Implementation Committee Meeting
February 3, 1997

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